IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1731 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAGIR MUKESH KATHADBHAI THRO'UNCLE & NATURAL GUARDIAN

Versus

OWNER OF RICKSHAW NO. GJ 11 V 1256

Appearance:

1. Misc.Civil Application No. 1731 of 2002

MR SHAKEEL A QURESHI for Petitioner No. 1

SERVED BY AFFIX.-(R) for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 23/06/2003

ORAL JUDGEMENT

1. Minor Mukesh Kathadbhai who is represented

through his next friend and guardian uncle Bhurabhai Jorubhai, has filed this application for transferring Motor Accident Claim Petition No. 256 of 2001 from Motor Accident Claims Tribunal, at Veraval to Motor Accident Claims Tribunal, at Amreli.

2. The applicant has filed M.A.C.P. No. 256 of 2001 before M.A.C. Tribunal at Veraval against the opponents to recover compensation for multiple injuries sustained by the applicant in a vehicular accident.

3. Learned advocate for the applicant submitted that on 14-11-1994 the Motor Vehicles Act, 1988 came to be amended and by way of such amendment, it is left open for the claimant/s to choose the Tribunal. He has also submitted that the accident has occurred prior the said amendment and the claim petition is instituted before the M.A.C. Tribunal at Amreli. It is also submitted that the applicant's claim was originally filed at Amreli and the present applicant is resident of village Valadar, Taluka Kodinar. But due to some reason said case has been transferred from M.A.C.Tribuanl, Amreli to M.A.C. Tribunal Veraval. It is also submitted that this is an injury case and the present petitioner has not yet recovered fully. The petitioner is suffering due to the injury sustained by him in the accident and he is not able to travel. Therefore, considering the fact that the applicant is a minor and distance between Veraval and Amreli, the claim petition filed by the petitioner is required to be transferred from Veraval to Amreli.

4. This petition was filed on 5-12-2001 before this Court and this Court has issued Rule.

5. In view of the amendment in the Motor Accident Act, 1988 and the provisions of Section 24 of the Civil Procedure Code and in the facts and circumstances of this case, Motor Accident Claim Petition No. 256 of 2001 pending before the Motor Accident Claims Tribunal at Veraval is herby ordered to be transferred to Motor Accident Claims Tribunal, Amreli for hearing and final disposal. Rule is made absolute, with no order as to costs. D.S. is permitted.

(K.M. Mehta, J.)

/JVSatwara/